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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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JAMES EDWIN HAILEY

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EXAMINER

LONSBERRY, HUNTER B

ART UNIT

PAPER NUMBER

2611

DATE MAILED: 01/12/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	Application No. 09/402,517	Applicant(s) HAILEY ET AL.	
	Examiner Hunter B. Lonsberry	Art Unit 2611	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 28 October 2005.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1,4,5,9-18 and 21-26 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1,4,5,9-18 and 21-26 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## **DETAILED ACTION**

### ***Response to Arguments***

1. Applicant's arguments with respect to claims have been considered but are moot in view of the new ground(s) of rejection.

Newly cited U.S. Patent 6,219,839 to Sampsell is relied upon to teach the second source being a peripheral coupled to the video decoder and which stores program information related to the program content available on the peripheral.

Applicant's failure to adequately traverse the Examiner's taking of Official Notice in the last office action is taken as an admission of the fact(s) noticed.

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1, 4, 9-12 and 16 and 21-24 are rejected under 35 U.S.C. 102(e) as being anticipated by U.S. Patent 5,883,677 to Hofmann in view of U.S. Patent 6,219,839 to Sampsell.

Regarding claim 1, Hofmann discloses a video decoder system for receiving program guide information from a first source (DBS decoder), a method for forming a composite program guide (program data base 424, Figures 9a/b), for program content available from a plurality of sources (DBS, TELCO and CATV interfaces), comprising the steps of:

a) retrieving access data from memory (flow control system 422 regulates the flow of data into merged database 424, and searches each source of data, and knows the protocol for each service, column 6, line 62-column 7, line 6 12-29, 59-63, a memory is required to store this access data in order to know how to connect to each source);

b) initiating communication automatically between said decoder and a second source external to said video decoder using said access data (column 7, lines 25-29, data updates are preformed at regular predetermined intervals to insure that state data is not displayed); said communication being initiated by said decoder independent of a user command associated with a program or service selection (column 7, lines 19-29, flow control processor connects on its own);

c) retrieving program guide information from said second source (figure 9b, History of the World part 1 from Telco line, column 7, lines 7-12); and

d) incorporating said program guide information provided by said first and second sources into a program guide for display (figure 9a, column 7, lines 1-6).

Hofmann fails to disclose the second source being a peripheral device coupled to the decoder, which stores programming content and program information related to the program content available from the peripheral.

Sampsell discloses in figure 1, a receiver 12 which is coupled to a number of IEEE 1394 enabled peripherals (DVD 20, figure 2, PC 54, column 4, lines 3-33, 45-61,) from which programming content may be delivered from and from which programming information originates which may be displayed in a program guide and may be controlled by the user via the program guide (figure 6, PC 84 listing, figure 9, DVD listing 102, column 5, line 58-column 6, line 10, lines 21-33, column 7, lines 9-22), thus providing a familiar and easy way for a user to select, view and control programming (column 4, line 66-column 5, line 10, lines 21-28).

Therefore, it would have been obvious to one skilled in the art at the time of invention to modify Hofmann to utilize the second source of program guide information as a local peripheral which stores programming content and related information as taught by Sampsell for the advantage of providing a familiar and easy way for a user to select, view and control programming.

Regarding claim 4, Sampsell is relied upon to teach that the whenever a peripheral comes online, it updates the EPG in receiver 12 (column 5, lines 21-39).

Regarding claims 9 and 12, Hofmann discloses that the peripheral device is identified from configuration information derived from prestored memory in the flow control system 422, flow control system 422 regulates the flow of data into merged database 424, and searches each source of data, and knows the protocol for each

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service, column 6, line 62-column 7, line 6 12-29, 59-63, a memory is required to store this access data in order to know how to connect to each source.

Regarding claim 10, Hoffman discloses in figure 4a, that the first source is a satellite source 318, and the second source is a Telco source 312.

Hoffman does not disclose the second source being a DVD player.

Sampsell discloses that the second source may be a DVD player which the user may control via an EPG and that the DVD player supplies programming information to the EPG (column 7, lines 9-45), thus providing an easy way for the user to select and control programming.

Therefore, it would have been obvious to one skilled in the art at the time of invention to modify Hoffman to utilize the DVD player and control features of Sampsell for the advantage of providing an easy way for the user to select and control programming.

Regarding claim 11, Hofmann discloses a video decoder system for receiving program guide information from a first source (DBS decoder), a method for forming a composite program guide (program data base 424, Figures 9a/b), for program content available from a plurality of sources (DBS, TELCO and CATV interfaces), comprising the steps of:

a) retrieving access data from memory (flow control system 422 regulates the flow of data into merged database 424, and searches each source of data, and knows

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the protocol for each service, column 6, line 62-column 7, line 6 12-29, 59-63, a memory is required to store this access data in order to know how to connect to each source);

b) automatically identifying a peripheral device attached to said decoder (column 7, lines 25-29, data updates are preformed at regular predetermined intervals to insure that state data is not displayed, the device connects via access data stored within the unit); said identification being initiated by said decoder independent of a user command associated with a program or service selection (column 7, lines 19-29, flow control processor connects on its own);

c) initiating communication between said decoder and said peripheral device attached to said decoder using a communication protocol determined from said access data (column 6, line 62-column 7, line 6 12-29, 59-63, the flow control processor knows the protocols in order to communicate with each device)

d) retrieving program guide information from said peripheral device (figure 9b, History of the World part 1 from Telco line, column 7, lines 7-29, 44-47); and

e) incorporating said program guide information provided by said first and peripheral device into a program guide for display (figure 9a, column 7, lines 1-6).

Hofmann fails to disclose the second source being a peripheral device coupled to the decoder, which stores programming content and program information related to the program content available from the peripheral.

Sampsell discloses in figure 1, a receiver 12 which is coupled to a number of IEEE 1394 enabled peripherals (DVD 20, figure 2, PC 54, column 4, lines 3-33, 45-61,) from which programming content may be delivered from and from which programming

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information originates which may be displayed in a program guide and may be controlled by the user via the program guide (figure 6, PC 84 listing, figure 9, DVD listing 102, column 5, line 58-column 6, line 10, lines 21-33, column 7, lines 9-22), thus providing a familiar and easy way for a user to select, view and control programming (column 4, line 66-column 5, line 10, lines 21-28).

Therefore, it would have been obvious to one skilled in the art at the time of invention to modify Hofmann to utilize the second source of program guide information as a local peripheral which stores programming content and related information as taught by Sampsell for the advantage of providing a familiar and easy way for a user to select, view and control programming.

Regarding claim 16, Hoffman discloses in figure 4a, that the peripheral device is a Telco source 312.

Hoffman does not disclose the second source being a DVD player.

Sampsell discloses that the second source may be a DVD player which the user may control via an EPG and that the DVD player supplies programming information to the EPG (column 7, lines 9-45), thus providing an easy way for the user to select and control programming.

Therefore, it would have been obvious to one skilled in the art at the time of invention to modify Hoffman to utilize the DVD player and control features of Sampsell for the advantage of providing an easy way for the user to select and control programming.



Regarding claims 21-24, Hoffman is relied upon to teach that when a user selects a peripheral device the programming available on the device is transmitted and shown within the EPG (column 5, lines 21-35) a user may then select, decode and display the programming (column 5, line 40-column 6, line 32, column 7, lines 9-22).

3. Claims 5, 8 and 13-15 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent 5,883,677 to Hofmann in view of U.S. Patent 6,219,839 to Sampsell in further view of U.S. Patent 5,835,791 to Goff.

Regarding claims 5 and 13-14, Hofmann discloses connecting to a second device automatically (column 7, lines 22-29).

Hofmann does not disclose polling and detecting a change in the number or type of peripheral devices connected to said decoder.

Goff discloses a computer system that utilizes a USB interface to poll in order to detect when a new peripheral device (keyboard or mouse) is connected (figure 7, column 4, line 31-65, the USB standard requires that a USB enabled host continuously polls to check for new devices), thus enabling the peripheral device to communicate with the computing device, without requiring any input by the user.

Therefore, it would have been obvious to one skilled in the art at the time of invention to modify Hofmann to automatically poll and detect a new device as taught by

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Goff, thus enabling the peripheral device to communicate with the computing device, without requiring any input by the user.

Regarding claim 8, Hofmann discloses connecting to a second device automatically (column 7, lines 22-29).

Sampsell teaches that whenever a peripheral comes online, updated programming information is provided to the receiver and that every IEEE 1394 device registers itself with every other device on the network (column 5, lines 21-39, 58-column 6, line 10).

Regarding claim 15, Hofmann discloses connecting to a second device automatically on a repetitive basis (column 7, lines 22-29).

Hoffman does not disclose initiating communications on a repetitive basis in response to said change in number of type of peripheral devices connected to said decoder.

Goff discloses a computer system that utilizes a USB interface to poll in order to detect when a new peripheral device (keyboard or mouse) is connected (figure 7, column 4, line 31-65, the USB standard requires that a USB enabled host continuously polls to check for new devices, the device identifies itself to the requesting device, column 4, line 65-column 5, line 19), thus enabling the peripheral device to communicate with the computing device, without requiring any input by the user.

Goff inherently initiates communications in response to said change, as USB continuously generates a polling signal in order to determine when a device has been connected or disconnected, and Goff discloses in figures 7-9 determining if a device is connected and performing a query to determine what type of device it is.

4. Claims 17-18 and 25-26 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent 5,883,677 to Hofmann in view of U.S. Patent 6,219,839 to Sampsell in further view of U.S. Patent 5,991,799 to Yen.

Regarding claim 17, Hofmann discloses a video decoder system for receiving program guide information from a first source (TELCO decoder), a method for forming a composite program guide (program data base 424, Figures 9a/b), for program content available from a plurality of sources (DBS, TELCO and CATV interfaces), comprising the steps of:

a) retrieving access data from memory (flow control system 422 regulates the flow of data into merged database 424, and searches each source of data, and knows the protocol for each service, column 6, line 62-column 7, line 6 12-29, 59-63, a memory is required to store this access data in order to know how to connect to each source);

b) automatically initiating communication between said decoder and a peripheral device attached to said decoder (DBS, CATV sources, column 7, lines 25-29, data updates are preformed at regular predetermined intervals to insure that state data is not displayed, the device connects via access data stored within the unit); in response to a

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repetitive preprogrammed command from a decoder processor (column 7, lines 19-29, flow control processor connects on its own);

c) retrieving program guide information from said peripheral device (figure 9b, History of the World part 1 from Telco line, column 7, lines 7-29, 44-47); and

d) incorporating said program guide information provided by said first and peripheral device into a program guide for display (figure 9a, column 7, lines 1-6).

Hofmann does not disclose accessing the first source via the Internet using said request access data nor does Hofmann disclose the second source being a peripheral device coupled to the decoder, which stores programming content and program information related to the program content available from the peripheral.

Sampsell discloses in figure 1, a receiver 12 which is coupled to a number of IEEE 1394 enabled peripherals (DVD 20, figure 2, PC 54, column 4, lines 3-33, 45-61,) from which programming content may be delivered from and from which programming information originates which may be displayed in a program guide and may be controlled by the user via the program guide (figure 6, PC 84 listing, figure 9, DVD listing 102, column 5, line 58-column 6, line 10, lines 21-33, column 7, lines 9-22), thus providing a familiar and easy way for a user to select, view and control programming (column 4, line 66-column 5, line 10, lines 21-28).

Therefore, it would have been obvious to one skilled in the art at the time of invention to modify Hofmann to utilize the second source of program guide information as a local peripheral which stores programming content and related information as

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taught by Sampsell for the advantage of providing a familiar and easy way for a user to select, view and control programming.

The combination of Hofmann and Sampsell fails to disclose Hofmann does not disclose accessing the first source via the Internet using said request access data.

Yen discloses a tuner 111 which connects via an Internet access point 112 to the Internet (figure 1), webpages as well as an electronic program guide may requested and retrieved via HTTP from a remote server (column 4, line 62-column 5, line 52), the EPG can crosslink to a source which provides more information about a program, such as competitive standings or a corresponding football game (column 8, line 57-column 9, line 12), thus enabling a user to learn more about a program.

Yen inherently includes request access data as the access point 112, must know where on the Internet to retrieve the program listings.

Therefore, it would have been obvious to one skilled in the art at the time of invention to modify Hofmann and Sampsell to access the Internet to retrieve program listings and additional information via access data, as taught by Yen, thus enabling a user to learn more about a program.

Regarding claim 18, the combination of Hofmann, Sampsell and Yen discloses accessing the Internet via request access data.

The combination of Hofmann and Yen fails to disclose the use of a URL.

The examiner takes official notice that accessing information on the Internet via a URL is notoriously well known in the art. URLs provide the global address for

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documents, and media objects on the Internet, and provide an easy way to look up and link to the information.

Therefore, it would have been obvious to one skilled in the art at the time of invention to modify the combination of Hofmann and Yen, to utilize a URL to access the Internet, thus taking advantage of an easy way to look up and link to information sources.

Regarding claims 25-26, Hoffman is relied upon to teach that when a user selects a peripheral device the programming available on the device is transmitted and shown within the EPG (column 5, lines 21-35) a user may then select, decode and display the programming (column 5, line 40-column 6, line 32, column 7, lines 9-22).

### ***Conclusion***

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any

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extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Hunter B. Lonsberry whose telephone number is 571-272-7298. The examiner can normally be reached on Monday-Friday during normal business hours.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Christopher Grant can be reached on 571-272-7294. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

HBL

  
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